

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**AVERY WILSON**

**PLAINTIFF**

**V.**

**NO. 4:24-CV-119-DMB-JMV**

**WALMART INC., et al.**

**DEFENDANTS**

**ORDER**

On July 10, 2025, United States Magistrate Judge Jane M. Virden issued a report (“R&R”) recommending that this case be dismissed with prejudice. Doc. #34. The R&R warned that “objections are required to be in writing and must be filed within fourteen days” and “[f]ailure to timely file written objections to the proposed findings, conclusions and recommendations contained in this report will bar an aggrieved party, except upon grounds of plain error, from attacking on appeal unobjected-to proposed factual findings and legal conclusions accepted by the district court.” *Id.* at PageID 90. No objection to the R&R was filed.

Under 28 U.S.C. § 636(b)(1)(C), “[a] judge of the court shall make a de novo determination of those portions of the report ... to which objection is made.” “[P]lain error review applies where, as here, a party did not object to a magistrate judge’s findings of fact, conclusions of law, or recommendation to the district court despite being served with notice of the consequences of failing to object.” *Ortiz v. City of San Antonio Fire Dep’t*, 806 F.3d 822, 825 (5th Cir. 2015) (cleaned up). “[W]here there is no objection, the Court need only determine whether the report and recommendation is clearly erroneous or contrary to law.” *United States v. Alaniz*, 278 F. Supp. 3d 944, 948 (S.D. Tex. 2017) (citing *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989)).

Because the Court reviewed the R&R for plain error and concludes that the R&R is neither clearly erroneous nor contrary to law, the R&R [34] is **ADOPTED** as the order of the Court. This

case is **DISMISSED with prejudice.**

**SO ORDERED**, this 28th day of July, 2025.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**